



**The State of Rhode Island
and Providence Plantations**

Lincoln Almond, Governor

DOMESTIC VIOLENCE AND SEXUAL ASSAULT



**A Training Guide for
First Responding Officers**

DOMESTIC VIOLENCE AND SEXUAL ASSAULT

A Training Guide for First Responding Officers



These guidelines have been endorsed by:

**The Rhode Island
Police Chiefs Association**

And

**The Rhode Island
Attorney General's Office**

The Domestic Violence and Sexual Assault Training Guide for First Responding Officers

was developed by:

**The Curriculum Development Committee
of
The Rhode Island Violence Against Women
Planning Committee**

in conjunction with

The Law Enforcement Training Task Force

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Introduction

The Violence Against Women Act (VAWA), enacted by the 103rd Congress, is set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994. VAWA reflects a firm commitment toward working to change the criminal justice system's response to domestic violence and sexual assault cases. Since 1994, significant federal resources have been appropriated towards combating these serious acts of violence. Commitment to ongoing changes and attention to strengthening criminal prosecutions of domestic violence and sexual assault cases continues daily.

Governor Lincoln Almond named the Rhode Island Justice Commission to administer the STOP Violence Against Women Formula Grant in May, 1995. Additional information on this program may be obtained from:

**Violence Against Women Grant Program
Rhode Island Justice Commission**

One Capitol Hill, Providence, RI 02908
Telephone: 401-222-2620 - Fax: 401-222-1294

For the purposes of this document, the victim is referred to as “she” and the offender as “he.” We recognize that men may be victims and women may be offenders. However, an overwhelming 95% of victims of domestic violence and sexual assault are female. For this reason, and for the ease of reading, we refer to the victim as “she” and the offender as “he.” It is also important to remember that domestic violence and sexual assault are not issues that only effect certain social, ethnic, racial or economic groups. These crimes are pervasive throughout society and therefore effect everyone.

Acknowledgements

In 1996, the Law Enforcement Training Task Force and Curriculum Committee of the STOP Violence Against Women Planning Committee trained police officers in each town, as well as the State Police, college and university police, military police, and Department of Probation. These trainers then began training the members of their departments.

This handbook was developed as a result of a need identified by police officers to have a comprehensive manual on police response to domestic violence and sexual assault. The manual began through the work of the Rape Advisory Committee of the RI Department of Health and was expanded to include both sexual assault and domestic violence. It was further modified and reprinted in 2000. We would like to thank these committees for their hard work and dedication.

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Initial Victim Contact

Upon arrival, make the victim comfortable, establish rapport and limit the number of officers present for questioning the victim.

Sexual assault and domestic violence are two of the most severe traumas a person can experience. Some victims respond to trauma in an expressive manner: they readily demonstrate their feelings, often appearing agitated and restless. These victims may cry profusely and act with anger. Other victims are controlled in their response to the trauma and may even appear calm and subdued. Most victims experience some of the following feelings: guilt, self-blame, fear of retribution for reporting, shame and embarrassment. Many fear that they will not be treated well, or believed, when they report the crime.

The victim needs information, a feeling of safety and privacy, and non-judgmental support in order to deal with these fears. The establishment of a safe and considerate environment makes it possible for the victim to work effectively with police.

(cont.) **Initial Victim Contact**

If the victim is willing, contact a support person: the Victims of Crime Helpline, the Sexual Assault and Trauma Resource Center, your local Domestic Violence program, a family member or friend.
(See resource list at end of booklet for phone numbers.)

Ongoing support is crucial both to the emotional recovery of victims, and to their ability to effectively cooperate during the investigation and prosecution of the case. Advocates are available 24 hours a day, statewide, to provide this essential service. In partnership with law enforcement and prosecution, victim service agencies assist the victim throughout the criminal justice process, increasing the potential for successful prosecution.

Advocates will respond to requests for services that come directly from the victim, or from the police on behalf of the victim. Advocates from the Rhode Island Network to End Domestic Violence and Sexual Assault can provide 24 hour telephone support and referrals, as well as meet with victims of sexual assault at police departments and with victims of domestic violence or sexual assault at the hospital. Women's Shelters accept intakes 24 hours a day and also have 24 hour telephone support and referrals.

Initial Police Contact *(cont.)*

Since September 1998, a new advocacy program has been implemented for immediate response to victims of domestic violence and sexual assault. VAWA grant monies were appropriated and funded a new program for law enforcement advocates to work directly with Police Departments in several locations throughout the state. The purpose of this program is to ensure immediate intervention and assistance to victims. Law Enforcement Advocates can be found in Cranston, Warwick, East Bay (Warren, Bristol and Barrington) and Northern RI (Woonsocket, Smithfield, N. Smithfield and Burriville).

Beginning the Investigation

Determine the location of the assault so that the crime scene may be properly preserved. Obtain a detailed description of the circumstances of the assault and of the assailant. Verify all details and circumstances in both the victim's and suspect's accounts of the incident. Statements may be discredited when they contain erroneous details or descriptions of impossible actions.

Example: A victim alleged that after the attack, the offender followed her to a pay phone, where he attempted to interfere with her call for help to 9-1-1 emergency. The offender told investigators that, from his second floor balcony, he observed the victim at the pay phone and went there to help her. Investigators visited the balcony and determined that it was impossible to see the pay phone from that location due to the foliage on the trees.

If the victim knows the assailant, record his/her name, address and possible location. Include information regarding actions of the victim and perpetrator that may have resulted in injury to the assailant or damage to the assailant's clothing.

Include a description of the assailant's vehicle, if known. Identify all possible witnesses, including children and other family members. This information may corroborate the victim's statement and assist in obtaining the necessary arrest warrants.

Beginning the Investigation (cont.)

Victims sometimes have trouble talking about the incident. In such cases, it may be helpful to allow the victim to provide the information in written form. Often a follow-up interview and photographs will be necessary a day or two after the incident. Some victims are uncomfortable working with a male officer and would prefer working with a female officer. Whenever possible, provide options for the victim.

Documentation is a primary goal in the investigation of any crime. What seem to be minor details can develop into important leads as the case progresses. In addition, with proper documentation, the case may be able to progress without the victim's testimony.

Corroborative evidence is important in the prosecution of domestic violence and sexual assault cases. Any evidence that may corroborate the victim's statement should be seized pursuant to the investigation. Based on the victim's description of the alleged crime, collect and/or photograph any appropriate items of evidence. This may include clothing worn at the time of the assault, weapons, damaged/broken personal belongings or furniture, phones pulled from walls and swabbings or cuttings from areas that may contain bodily fluids.

(cont.) **Beginning the Investigation**

Photographs should be taken beginning from a wide angle and moving progressively closer to highlight specific areas or objects. Close-ups of evidence to be seized, the victim and the suspect and any visible injuries on either party should be taken in every case.

Any items of evidence containing bodily fluids should be placed in separate paper bags and documented properly. Any items that are wet should be allowed to dry at room temperature before packaging.

Note: Contact the RI Department of Health Forensic Laboratory (222-5600) before submitting any large items. Depending on the circumstances, cuttings or swabbings may be sufficient.

Not all evidence is easily visible with the human eye.

Alternative light sources (ALS) may allow an investigator to observe fingerprints, bodily fluids, fibers, bite marks and/or bruises which would not otherwise be detectable. The following departments have ALS:

Coventry *	Pawtucket
Cranston	Providence
Cumberland *	Warwick
East Providence	West Warwick
Narragansett	RI State Police
Newport *	RI Crime Lab
North Kingstown *	RI Dept. of Health
	Forensic Biology *

* ALS purchased through VAWA grant.

Beginning the Investigation (cont.)

Detailed notes on the victim's and suspects post-incident behavior may be beneficial for character assessment. Often, a victim will have told a friend or family member about an assault prior to calling the police. Therefore, the first person to whom the victim disclosed the incident should be interviewed and a statement taken as to the circumstances and manner of the disclosure.

Note and record the physical appearance and attire of both the victim and the suspect. Bruises, marks, scrapes, smeared cosmetics, and garments, which are torn, soil-stained or over-stretched can be indications of a forceful and/or non-consensual encounter. Document drug or alcohol use as well as the presence or use of weapons.

It is important that police are able to reach the victim. Police should request that the victim notifies them of any change in her address or phone number (even temporary changes). It is also useful to determine other people through whom the victim could be contacted. This may include getting the names, addresses, phone numbers, and/or places of work of the victim's family or friends.

It is essential to document spontaneous utterances of both the victim and offender. Remember, these may be exceptions to the hearsay rule and admissible in court.

(cont.) **Beginning the Investigation**

Record all statements, as well as the demeanor of the victim, suspect, and all witnesses.

It is not only important to document what the victim and suspect say, it is crucial to document how it was said. The reporting officer should record both the demeanor and appearance of the victim and suspect as they give their statements.

Documentation of the victim's demeanor and actions may allow the prosecution to go forward at a trial even where the victim recants or cannot be found. A statement may qualify at a judicial proceeding as an excited or spontaneous utterance, which may be admissible as an exception to the hearsay rule.

Equally important are the statements and demeanor of the suspect. A statement made on scene by a suspect who has not yet had time to devise a story/defense may later contradict his story at a trial.

Example: On the evening of the assault, the suspect says "Nothing happened, we just argued, I never touched her." The defendant later testifies that the victim is the aggressor and he acted in self-defense. The statement made on scene negates the defendant's self-defense claim at a trial and instantly brings his credibility into question.

Beginning the Investigation *(cont.)*

Remember, a statement made by an upset or excited witness to the crime may also qualify as an excited utterance and be admissible at a trial.

Medical Attention for Victim

Emphasize the importance of prompt medical treatment for the victim's well being. A medical examination addresses both the victim's needs and the necessary collection of evidence for both domestic violence and sexual assault cases. Therefore, prompt medical attention should be recommended for all victims. Hospital examination ensures that valuable corroborative evidence is not lost.

For sexual assault cases, all hospital emergency rooms have been provided with the Sexual Assault Evidence Collection Kit from the Department of Health. Medical evidence can be collected up to 72 hours after a sexual assault. This kit may be used on both males and females. If the victim does not have medical insurance, facilities will provide the examination and evidence collection at no cost. The RI Department of Health will accept sexual assault evidence kits whether or not the victim has decided to file a police complaint. Victims who are unsure about making a report at the time of the crime may decide to come forward in the future.

A sexual assault victim should be advised not to change clothes, shower, bathe or douche before the examination. Even if she has, she should be examined since evidence may still be collected. The victim should be advised that the clothing worn at the time of the assault will be needed as evidence. If necessary, assist the victim in obtaining a change of clothing to wear after the exam.

Medical Attention for Victim (cont.)

At the conclusion of the hospital examination, the sexual assault evidence collection kit should be submitted to the Department of Health Laboratory, 50 Orms Street. Either hospital courier or the police, depending on police department policy may transport the kit. Evidence should be taken to the laboratory as soon as possible. If the medical evidence is collected after laboratory hours (Monday – Friday, 8:30-4:30) or if there will be a delay in transporting, place the kit and clothing in a secure refrigerator.

If the evidence changes hands, fill out the chain of custody information on the front of the kit box, as well as departmental chain of custody forms. When the kit is submitted to the laboratory, a copy of the transmittal form will be given to the submitter (hospital courier or police representative). If a complaint has been filed, provide the laboratory with the case number and the name of the suspect, if identified.

Issues Related to Arrest

An arrest shall be made upon a finding of probable cause. Probable cause is defined as: Those facts and circumstances that would lead a reasonably prudent person to believe that a crime has been committed. The standard of probable cause is the same in a domestic violence/ sexual assault case as any other case, it is not higher or lower.

Mandatory Arrest:

Pursuant to 12-29-3(b)(1) “When a law enforcement officer responds to a domestic violence situation and has probable cause to believe that a crime has been committed, the officer shall exercise arrest powers.”

Arrest the perpetrator when there is probable cause to believe that any of the following have occurred:

- Felonious assault
- Bodily injury - regardless of whether injury is observable
- Physical action causing fear of injury or death
- Violation of a restraining order
- Violation of a no contact order

Issues Related to Arrest (cont.)

The vast majority of questions and problems for law enforcement lie with the definition of “probable cause.” There are several basic factors to consider when making this determination. These may include:

- Information received from dispatch
- Physical injuries
- Disheveled clothing
- Broken furniture
- Signs of a struggle
- Victim’s credible statements
- Victim’s visible fear
- Suspect’s statements
- Credible witness statements (including children)
- Previous calls to the home

Primary Aggressor:

On scene, the officer’s duty under the law is to determine the primary aggressor. The primary aggressor refers to the *most significant aggressor*, not necessarily the one who struck the first blow.

The intent of the law is to protect the victim. The comparative extent of the injuries, abuse history, comparative sizes and the demeanor of the parties involved are factors to be considered when determining which party is the primary aggressor.

(cont.) **Issues Related to Arrest**

Take into consideration self-defense elements when both parties appear to have injuries. Defensive injuries (such as scratches on the front of the abuser's body or bite marks on the upper arms, chest or stomach) or aggressive injuries (such as bruised knuckles) may help to indicate the primary aggressor.

Dual Arrests:

Officers are strongly discouraged from arresting both parties. Arresting both the victim and the abuser belittles the seriousness of abuse. The victim may not call the police the next time she is being abused since she is afraid of being arrested herself. If the officer believes mutual assaults occurred and that mutual arrests are necessary to protect both victims, probable cause for each arrest should be detailed in separate incident reports.

Warrantless Arrests:

If the defendant has fled the scene and is located elsewhere in the state, or has violated a protective order utilizing the telephone, a police department other than the investigating department may arrest the defendant (without a warrant within 24 hours of the incident), following the verification of a criminal complaint.

Issues Related to Arrest (cont.)

**Arrest without a warrant may
be made within 24 hours
of the incident.**

If the defendant has fled to another state, contact the Attorney General's office.

Officer Immunity:

Per Rhode Island statute, a law enforcement officer cannot be held liable for false arrest if the arrest is based on probable cause or made in good faith of a court order.

Informing the Victim:

Early in the process, the victim should be informed about potential follow-up procedures in the remainder of the investigation. Assist the victim in understanding what may be required. This may include:

- Detailed questioning and recording of a witness statement
- Follow-up photographs of injuries in 3-4 days
- Releases for medical information
- Testimony at hearings, Grand Jury and/or other court proceedings
- A second viewing of the crime scene

(cont.) **Issues Related to Arrest**

- Photo line-up or in-person line-up
- Viewing of mug shots and other photographs
- Voice identification
- Formation of a composite sketch

Victim expectations about arrest may not reflect reality. Remember to inform the victim about the steps you are taking and why. Arrest shall be based on probable cause, not the relationship of the parties, consent of the victim or victim's request.

If no arrest is possible based on a lack of probable cause, it is still important to document the incident. If no arrest is made, victim should be advised of her right to file a criminal complaint so that an arrest warrant can be issued. These reports may be used to identify patterns of chronic abuse. Past incident reports also provide important information for prosecution to show that an incident was not isolated, but part of a pattern of abuse over time.

The responding officer shall inform the victim that when an arrest is made, a no contact order will be issued prior to the suspect being released. The victim may obtain a copy of the NCO at the police station or from the court.

Victims are often concerned about harassment or retaliation after making a police report. They should be told to call the police to file a report if any such re-victimization occurs.

Protective Orders

Chapter 15-15-1(1) Family Court Restraining Order: Victims who are married, formerly married, related by blood or marriage, have a child in common or are in a substantive dating or engagement relationship wherein one or both parties are minors may petition the Family Court for a restraining order.

Chapter 8-8.1.1 District Court Restraining Order: Victims who do not meet the relationship requirements for a Family Court restraining order, *but* who have lived with the defendant at some time during the past three years, or who have been in a substantive dating relationship with the defendant during the past six months may petition the District Court for a restraining order.

Obtaining a Restraining Order:

- Plaintiff goes to the court in the jurisdiction where she/he lives.
- An advocate can assist the victim in obtaining a restraining order.
- The victim does not need an attorney to obtain an order.
- There is no fee attached to either a Family Court or District Court restraining order.
- Family Court can issue restraining orders 24 hours a day, 365 days a year (District Court only does during court hours). Victims may apply for an emergency Family Court order at their local police department during non-court hours.

(cont.) **Protective Orders**

- Restraining orders are a two-part process:
 - 1) Temporary Order (Emergency Order), may be granted for up to 21 days;
 - 2) Permanent Order may be granted at a second hearing for up to 3 years (at the discretion of the judge).

Serving a Restraining Order:

- Police shall “give notice” of the order to the defendant when “service” has not yet been made by sheriff or constable (sheriff or constable will still make “service” after police “notice”). “Notice” supplements “service.”
- By statute, police “notice” requires that police give defendant a certified copy of the order.
- The officer must make a written note of:
 - 1) Time of “notice”
 - 2) Date of “notice”
 - 3) Police Officer’s Name and
 - 4) Badge Number
- In three (3) places:
 - 1) On the plaintiff’s copy
 - 2) On the department’s copy
 - 3) In the offense report

Without the above, court will not honor “actual notice.”

Protective Orders (cont.)

- Once service has been made of a Family or District Court Order by a sheriff, **or notice has been made by the police**, and there is a violation of said order, it is a crime and a mandatory arrest situation.

No Contact Order:

- Is issued by a judge, justice of the peace or bail commissioner upon the arrest of a suspect on a criminal charge or as a condition of the offender's sentence when it is disposed.
- It is a crime to violate this order from the time the order is issued and arrest is mandatory, through the disposition of the case.
- An NCO can only be vacated by a judge.

Foreign Restraining Order:

- Foreign Restraining Orders are from jurisdictions outside of Rhode Island.
- The Federal Full Faith and Credit Act now mandates that all states honor protective orders from all other states and jurisdictions.
- RI Law mandates police to enforce foreign orders to the same extent that they would enforce RI orders.

Superior Court Restraining Order:

- Superior Court Orders are petitioned in Court by the victim/plaintiff.

(cont.) **Protective Orders**

- The plaintiff may be required to hire an attorney and pay a fee to obtain an order.
- The plaintiff may file a contempt motion upon the order's violation.
- The Superior Court Restraining Order has **no criminal sanction** attached to it. Police cannot arrest on a violation charge if the order is violated.
- Police can often arrest on criminal charges such as stalking, trespass, vandalism, disorderly, etc.
- Even if no arrest is made, police should document the incident and generate a complaint report.

RONCO – Restraining Order/ No Contact Order Registry

The RONCO computer database is located within the BCI Unit of the RI Department of the Attorney General. Law enforcement will have access to RONCO 24 hours a day, 365 days a year.

To obtain information on the status of restraining orders and no contact orders, send an administrative message (AM/teletype) to the BCI Unit or telephone them at 421-5268. Officers should verify that the RONCO information matches the suspect under investigation. This may involve contacting the initial investigating agency or other follow-up measures.

All domestic violence protective orders issued by the Family and District Courts (since February 1997) and no contact order in sexual assault cases are entered into the RONCO system. All modifications and terminations (including “drops”) are also entered into the system.

Superior Court restraining orders will not be entered into RONCO because they do not carry a criminal penalty. However, Superior Court criminal no contact orders will be entered.

No contact orders issued by justices of the peace during non-business hours shall be faxed to RONCO at 273-5340 for entry in the system the same day.

DV/SA Reporting Form

Pursuant to 12-29-8(a) “A law enforcement officer who responds to or investigates a domestic violence incident shall complete a domestic violence report (DV/SA Reporting Form) whether or not an arrest occurs.” This includes violation of a no contact order or restraining order.

Pursuant to 11-37-13.3 “A law officer who responds to or investigates a sexual assault or child molestation sexual assault incident, shall, upon determination of probable cause for arrest, complete a sexual assault report (DV / SA Reporting Form)”. The form should be completed even when there is no domestic relationship between the victim and the suspect.

- Use blue or black pen to fill out the form. Never use red ink or pencil.
- The red bubble must be filled in ●. Do not use ✓ or ✕.
- Fill out the form as completely as possible, addressing all categories.
- Strongly encourage victim to fill out the VICTIM section, including the medical release.
- Do follow-up work before sending the form to the Domestic Violence Unit in Wakefield. For example, warrant and arrest information as well as follow-up photo information should be completed.

DV/SA Reporting Form (cont.)

- Attach a copy of officer's narrative from offense report in each case to the DV / SA Reporting Form.
- If the crime is a felony or a violation, fax a legible copy of the DV / SA Reporting Form to the Attorney General's DV / SA Unit at 222-2929.
- Return the original DV/SA Reporting Form to:
Domestic Violence Unit
McGrath Judicial Complex
4800 Tower Hill Road
Wakefield, RI 02879.

On Scene Domestic Violence/Sexual Assault Crime Scene Checklist

- ❑ Separate the parties. Get them out of eye contact and earshot of each other while conducting interviews
- ❑ Call for medical backup if indicated
- ❑ Ask victim if there has been any sexual abuse in the DV incident(s)
- ❑ Record physical state, demeanor and all statements of victim and suspect
- ❑ Interview all witnesses and take written statements
- ❑ Determine if firearms are present. If permanent restraining order is in effect, confiscate firearms as per department policy
- ❑ Determine whether there is a restraining order or no contact order. If not, give victim information regarding TRO's
- ❑ Determine and arrest the "primary aggressor"
- ❑ Inform both parties that arrest is mandated by state law
- ❑ Take photos of any injuries and / or property damage
- ❑ Make arrangements for follow-up photos within three to four days of incident
- ❑ Collect and record all physical evidence

DV/SA Checklist *(cont.)*

- ❑ Record on police uniform crime report and DV/SA Reporting Form whether suspect is on probation
- ❑ **Whether an arrest is made or not**, give the victim the “Notice of Victim’s Rights” pamphlet
- ❑ Whether or not an arrest is made, completely fill out the mandated DV / SA Reporting Form
- ❑ When the suspect has left the scene:
 - Search immediate area
 - Get information from victim or other witnesses as to where suspect may be
 - Make every reasonable effort to make an arrest within 24-hour of crime
- ❑ If unable to effect an arrest, issue a warrant and follow through to arrest
- ❑ Have the victim sign the medical release contained in the DV/SA-1 form so that you can obtain medical records for treatment in connection with this incident.

Tracing a Call

In Rhode Island, phone customers have access to the service “Call Trace,” which tracks down harassing callers.

Call Trace:

Advise victims to activate the service after receiving a harassing call:

- Hang up than lift receiver and listen for a dial tone.
- Press *57 on a touch-tone phone or dial 1157 on a rotary phone.
- An announcement will tell you the call was traced. (This service costs \$3.25 for each use, maximum \$13 per billing cycle.)
- Contact the Unlawful Call Center for further information about the call trace. They keep a record of the traced calls. If two are traced to the same number within a 30 day period, the Unlawful Call Center (1-800-640-2043) will notify the victim by mail.

If “Call Trace” is not an option, Bell Atlantic can place a “trap” on the line.

Bell Atlantic Annoyance Call Bureau
1-800-640-2043

Bell Atlantic Director of Corporate Security
(to obtain non-published telephone number)
617-737-0900

Tracing a Call *(cont.)*

Retrieval of 9-1-1 Tapes:

In order to retrieve 9-1-1 tapes for evidence, a formal letter of request must be signed by a police administrator and sent to 9-1-1 Emergency Service. Requests made within 30 days are free of charge, after the 30 days time, there is a \$15.00 fee.

You should obtain the 9-1-1 tape in every domestic violence or sexual assault case.

9-1-1 Emergency Service
Operations supervisor, 354-0968
Administrations operations, 354-0911

9-1-1
1951 Smith Street
North Providence, RI 02904

Advice for Victims of Stalking

- ❑ Keep diary of stalker's behavior
- ❑ Report all incidents involving stalker to police (Police should generate reports no matter how minor an incident seems)
- ❑ Obtain telephone trap / trace
- ❑ Save stalker information displayed on caller ID boxes (photograph box if necessary)
- ❑ Record telephone calls from stalker, save tapes
- ❑ Change phone number to unlisted
- ❑ Have locks changed
- ❑ Inform family, friends, neighbors and co-workers of situation
- ❑ Inform childcare personnel of situation
- ❑ Change and vary travel routes
- ❑ Park in secure areas
- ❑ Always lock automobile
- ❑ If automobile is in garage, always lock the garage
- ❑ Always check interior of vehicle before entering
- ❑ If followed, go directly to police station, fire station or well lit populated location, and seek assistance
- ❑ Keep camera available at all times
- ❑ Keep cell phone available at all times
- ❑ Contact local domestic violence agency or the Victims of Crime Helpline to devise a safety plan

Domestic Violence Laws and Definitions

RI Domestic Violence Laws:

- RI Domestic Violence Prevention Act: Chapter 12-29
- Family Court Restraining Orders: Chapter 15-15
- District Court Restraining Orders: Chapter 8-8
- Stalking: Chapter 11-59
- Refusal to relinquish, damage or obstruct telephone: Chapter 11-35-14

Definitions:

Domestic Violence (RIGL 12-29-2):

Includes, but is not limited to, any of the following crimes when committed by one family or household member against each other: Simple assault, felony assaults, vandalism, disorderly conduct, trespass, kidnapping, child-snatching, sexual assault, homicide, violation of a protective order and stalking.

Family or Household Member (RIGL 12-29-2):

Spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three years and persons who have a child in common regardless of whether they have married or lived together or persons who are or have been in a substantive dating or engagement relationship

(cont.) **DV Laws and Definitions**

within the past 6 months which shall be determined by the court's consideration of the following factors: the length of time of the relationship, the type of relationship and the frequency of interaction.

Cohabitants (RIGL 8-8.1-1):

Emancipated minors or persons 18 years of age or older, not related by blood or marriage, who together are not the legal parents of one or more children and who have resided together within the preceding 3 years or who are residing in the same living quarters.

Stalking (RIGL 11-59-1):

Any person who willfully, maliciously and repeatedly follows or harasses another person with the intent to place that person in reasonable fear of bodily injury is guilty of the crime of stalking.

Sexual Assault Laws and Definitions

RI Sexual Assault Statutes:

- Sexual Assault Statute: Chapter 11-37
- Victim's Rights: Chapter 12-28
Emergency Health Center Sexual Assault
Statute: Chapter 23-17-26

Definitions:

First Degree Sexual Assault (RIGL 11-37-2):

A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person and if any of the following circumstances exist:

- The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled or physically helpless.
- The accused uses force or coercion.
- The accused, through concealment or by the element of surprise, is able to overcome the victim.
- The accused engages in the medial treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation.

Second Degree Sexual Assault (RIGL 11-37-4):

A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and any of the following circumstances exist:

(cont.) **SA Laws and Definitions**

- The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled or physically helpless.
- The accused uses force or coercion.
- The accused engages in the medial treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation.

Third Degree Sexual Assault (RIGL 11-37-6):

A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engages in sexual penetration with another person over the age of fourteen (14) and under the age of consent, sixteen (16) years of age.

First Degree Child Molestation (RIGL 11-37-8.1):

A person is guilty of first degree child molestation sexual assault if he or she engages in sexual penetration of a person fourteen (14) years of age or under.

Second Degree Child Molestation (RIGL 11-37-8.2):

A person is guilty of a second degree child molestation sexual assault if he or she engages in sexual contact with another person fourteen (14) years of age or under.

Federal Laws

Full Faith and Credit Mandate for Protective Orders

18 USC 2265-2266 (1994)

This mandate states that protective orders issued in one state must be enforced in all other states, territories and tribal courts, so long as the appropriate due process requirements have been met by the issuing state.

Civil Rights Remedy for Victims of Gender Motivated Violence

42 USC 13981 (1994)

This civil rights remedy allows victims of gender motivated violence to file a civil rights claim in federal court.

New Interstate Domestic Violence Crimes

*18 USC 2261 (1994), 18 USC 2262 (1994),
18 USC 922(g) (1994)*

Under the 1994 amendments to the Federal Gun Control Act, persons who are subject to a domestic violence protection order may not purchase, possess or receive a firearm. Also, a person who crosses state lines to commit domestic violence or to violate a protective order has committed a federal crime (the only exception to this is for a law enforcer or military personnel who is required to carry a firearm in the line of duty). The federal law prohibits anyone convicted of a domestic violence crime.

from ever purchasing/receiving or possessing a firearm or ammunition (there is no law enforcement or military exception).

Protections for Battered Immigrant Spouses

*8 USC 1151, 1154, 1186a note, 1254, 2245 (1994);
61 Fed. Reg. 13065 (March 26, 1996), inserted in
8 CFR 103, 204*

This Act allows abused spouses married to U.S. citizens and lawful permanent residents (and children of U.S. citizens) to self-petition to obtain legal permanent residency for themselves. The Act also allows abused spouses to apply for cancellation of removal (formerly “suspension of deportation”).

Resources

**24 Hour Statewide Victims
of Crime Helpline** 1-800-494-8100

**RI Coalition Against
Domestic Violence** 467-9940

**Sexual Assault and Trauma
Resource Center** 421-4100

Domestic Violence Victim Service Agencies (Shelters):

Pawtucket/Central Falls
Blackstone Shelter 723-3057

Warwick/Kent County
**Elizabeth Buffum
Chace House (EBC)** 738-1700

Providence/Northern RI
Sojourner House
Crisis Hotline (Providence) 658-4334
Crisis Hotline (Northern RI) 765-3232
Business 861-6191

Greater Providence Area
Women's Center of Rhode Island
Crisis Hotline 861-2760
Business 861-2761

(cont.) **Resources**

Newport /Bristol Counties

**Women's Resource Center of
Newport and Bristol Counties**

Crisis Hotline	847-2533
Business	846-5263
Warren Office	247-2070

Washington County

**Women's Resource Center of
South County**

Crisis Hotline	782-3990
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State/Federal Agencies:

Attorney General's Office

Domestic Violence/Sexual Assault Unit	277-4400
Kent County	822-2710
Newport County	841-8310
Providence County	274-4400
Washington County	782-4150

**Department of Children, Youth & Families
(DCYF)**

General Information	457-4708
Child Abuse Hotline	1-800-RI-CHILD

Department of Elderly Affairs (DEA)

Information and Referrals	1-800-322-2880
Report Abuse	222-2880

Resources (cont.)

Department of Health Lab

Forensic Serology Laboratory 222-5535
Monday-Friday 8:30 – 4:30 Fax: 222-6985
Forensic Toxicology Laboratory 222-5565

Law Enforcement Advocates

Cranston 942-2211 x5098
Warwick 468-4372
East Bay 245-3727
Northern RI 766-3628

Legal Services – DV Unit 274-2652

RI Justice Commission 222-2620
Violence Against Women Grant Program 222-5349

Sheriffs (for service of restraining orders)

Bristol County 253-3880
Kent County 822-1763
Newport County 841-8300
Providence County 222-3510
Washington County 782-4100

**Supreme Court DV Training/
Monitoring Unit** 782-4154

University of RI State Crime Lab 874-2893
Monday-Friday 8:30 – 4:30 Fax: 874-2121

**US Naval Criminal
Investigative Service** 841-2241

Notes

Notes

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